

### REMARKS

Claims 1-30 and 32 are currently pending in the subject application and are presently under consideration. Claims 1, 23, and 32 have been amended herein to further emphasize aspects of applicants' claimed invention. A version of all pending claims is presented on pages 2-6 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claim 32 Under 35 U.S.C. §103(a)**

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.* (US 6,539,481) in view Baugher *et al.* (US 5,701,465). This rejection should be withdrawn for at least the following reasons. Takahashi *et al.* and Baugher *et al.*, alone or in combination, do not teach or suggest the aspects set forth in the subject claim.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants' claimed invention relates to a system and method for pre-allocating resources and processing resource requests, and more particularly to a system and method for pre-allocating resources to improve consumer experiences associated with registering for, and subsequently using, an application and/or service available over the Internet by reducing problems associated with resource allocation delays and replication latencies. To this end, independent claim 32 recites: ***means for routing a request generated by the consumer, for whom data has not been replicated to the one or more resource managing***

*components, to the first resource managing component based on utilization of a round robin routing algorithm.* Takahashi *et al.* and Baugher *et al.*, either individually and/or in combination, do not teach or suggest these salient aspects of the claimed invention.

Takahashi *et al.* relates to a computer resource assignment apparatus and a method for assigning a computer resource used for a temporary registered user. The cited primary document however is silent with respect to routing a request generated by a consumer to a first resource managing component based on utilization of a round robin routing algorithm. No where in the cited document is this feature of applicants' claimed invention disclosed. Moreover, as the Examiner acknowledges, Takahashi *et al.* fails to disclose a resource capacity, a resource location and a resource availability. In order to cure this deficiency the Examiner offers Baugher *et al.*

Baugher *et al.* relates to data processing systems and more particularly to data processing systems providing resource reservation to assure a desired quality of service. However, the secondary document, like Takahashi *et al.*, does not teach or suggest routing a request generated by a consumer to a first resource managing component based on utilization of a round robin routing algorithm. In contrast, applicants' claimed invention routes a consumer request to a first resource managing component based on a routing algorithm such as a round robin algorithm. Utilization of such an algorithm mitigates problems associated with replication latency by distributing the load associated with managing pre-allocated resources and requests over more than one resource manager. Accordingly, since neither Takahashi *et al.* nor Baugher *et al.* teach or suggest the pertinent aspects set forth in the subject claim, withdrawal of this rejection is requested.

## **II. Rejection of Claims 1-9, 22-23, and 27-30 Under 35 U.S.C. §103(a)**

Claims 1-9, 22-23, and 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.* in view of Dworkin (US 2002/0071540) and Baugher *et al.* Withdrawal of this rejection is requested for at least the following reasons. Takahashi *et al.*, Dworkin, and Baugher *et al.*, alone or in combination, do not teach or suggest all aspects recited in the subject claims.

Independent claim 1 (and similarly, independent claim 23) recites: *a router that*

*routes a request requiring access to the at least one resource associated with the registering consumer to the first resource manager, the router utilizes an algorithm to route the request to the first resource manager, the algorithm includes routing the request in a round-robin fashion.* The combination of Takahashi *et al.*, Dworkin, and Baugher *et al.*, does not teach or suggest these features of applicants' claimed invention.

As stated supra Takahashi *et al.* relates to a computer resource assignment apparatus and a method for assigning a computer resource used for a temporary registered user. However, the cited document does not disclose routing requests to a first resource manager in a round robin fashion. Additionally, as the Examiner acknowledges the primary document does not provide either an allocator, or a resource capacity, a resource location and a resource availability as recited in the subject claims. In order to rectify these deficiencies the Examiner provides Dworkin and Baugher *et al.* respectively.

Dworkin relates to a method and apparatus for hosting conferences that overcomes the limitations of conventional configurations, and in particular, provides an application service provider (ASP) environment for hosting conferences. Dworkin however, like the primary document, does not route requests requiring access to resources associated with a registering consumer to a first resource manager via utilization of a round robin algorithm. Dworkin is silent in this regard. Moreover, Baugher *et al.*, as noted above, also fails to provide for these pertinent aspects of the invention as claimed. Applicants' claimed invention in contrast uses a round robin routing algorithm to direct requests requiring access to resources to a first resource manager wherein the first resource manager can include more than one resource manager in order to distribute the load associated with satisfying access requests and to mitigate problems associated with replication latency. Accordingly, since neither the primary, secondary nor tertiary documents, alone or in combination, teach or suggest all features recited in the subject claims, withdrawal of this rejection with respect to independent claims 1 and 23 (and associated dependent claims) is respectfully requested.

### **III. Rejection of Claims 10-11 and 26 Under 35 U.S.C. §103(a)**

Claims 10-11 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.*, Dworkin, and Baugher *et al.* in view of Makarious *et*

*al.* (US 6,401,125). This rejection should be withdrawn for at least the following reasons. Claims 10-11 and 26 depend from independent claims 1 and 23 respectively, and Makarious *et al.* does not make up the aforementioned deficiencies with respect to Takahashi *et al.*, Dworkin, and Baugher *et al.* and the subject independent claims. Accordingly, withdrawal of this rejection is requested.

**IV. Rejection of Claims 12-21 and 24 Under 35 U.S.C. §103(a)**

Claims 12-21 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.*, Dworkin and Baugher *et al.* in view of Zadikian *et al.* (US 6,631,134). Withdrawal of this rejection is respectfully requested for at least the following reasons. Claims 12-21 depend from independent claim 1, and Zadikian *et al.* fails to remedy the aforementioned deficiencies with respect to the primary, secondary and tertiary documents and the subject independent claims. Accordingly, this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP182US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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